

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSE ANTONIO RAMOS,

Petitioner,

v.

JEROME WALSH, et al.,

Respondents.

Civil Action No. 10-31 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on February 3, 2010, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 42], filed on October 12, 2010, recommended that the motions to dismiss [Doc. No. 13] and [Doc. No. 19] be granted and that the original petition be dismissed. It was further recommended that the first motion to amend [Doc. No. 22] be granted and the second motion to amend [Doc. No. 32] be denied for lack of venue. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. No objections were filed. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 1st day of November, 2010;

IT IS HEREBY ORDERED that the motions to dismiss [Doc. No. 13] and [Doc. No. 19] are GRANTED and the original petition is DISMISSED. IT IS FURTHER ORDERED that the first motion to amend [Doc. No. 22] is GRANTED and the second motion to amend [Doc. No. 32] is DENIED for lack of venue.

The Report and Recommendation [Doc. No. 42] of Magistrate Judge Baxter, filed on October 12, 2010 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge